

EXHIBIT E

WorkcoorNY

From: Clark, Bruce E.
Sent: Monday, February 04, 2013 12:18 PM
To: michael.firestone@weil.com
Cc: Schwartz, Matthew A.; Slack, Richard
Subject: RE: Proposal

Michael, as to your proposal: the change to paragraph 1 is fine with us; the new language in paragraph 3 should be stricken. We had already agreed on this paragraph without this language, and you are introducing unnecessary ambiguities. For example, are you saying that we would be limited to whatever documents you subpoenaed or whatever topics you raise? Of course that's not acceptable. Presumably this would only apply during the 2004 process, but it doesn't say that either. We should go back to the language we already had agreed on; the language in paragraph 5 seems to restate what is said above, but we would not accept the striking of "requested" because if we have sought Rule 2004 discovery we would want the right to pursue it.

We should resolve this before the omnibus hearing on Wednesday. We had only one issue between us before we spoke to Judge Peck, and he was quite clear on his disposition toward resolution of that one issue.

From: Firestone, Michael [mailto:Michael.Firestone@weil.com]
Sent: Monday, February 04, 2013 11:24 AM
To: Clark, Bruce E.
Cc: Schwartz, Matthew A.; Slack, Richard
Subject: RE: Proposal

Bruce and Matt,

Our comments to your draft are attached.

Regards

Michael

From: Clark, Bruce E. [mailto:ClarkB@sullcrom.com]
Sent: Tuesday, January 29, 2013 2:40 PM
To: Firestone, Michael
Cc: Schwartz, Matthew A.
Subject: Proposal

Michael, as discussed, here is our proposed protocol which we believe reflects Judge Peck's comments on the telephone the other day. Please let us know if we can agree on this form of protocol. Thanks.

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